



**UNITED STATES HOUSE OF REPRESENTATIVES
OFFICE OF THE MAJORITY WHIP
THE HONORABLE JAMES E. CLYBURN (SC-06)**

THE WHIP PACK

WEEK OF JULY 7, 2008

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Bill Text and Background for the Week of July 7, 2008

- H.R. 5811 – Electronic Message Preservation Act
- H.R. 1286 - Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act

HR 5811 – ELECTRONIC MESSAGE PRESERVATION ACT (Rep. Waxman – Oversight and Government Reform) (Subject to a Rule)

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, July 8, 2008, at 5:00pm in H-313 the Capitol,
[Special Announcement](#), [Meeting Time: 5pm Tuesday 7/8](#), [Amendment Deadline: 10am Tuesday 7/8](#)

Committee: [Committee on Oversight and Government Reform](#)

Committee Staff Contact: 5-5051

LEGISLATION AT A GLANCE:

**SUMMARY OF H.R. 5811:
THE ELECTRONIC MESSAGE PRESERVATION ACT**

Investigations by the Oversight Committee have revealed significant deficiencies in the preservation of e-mail by the White House and federal agencies. H.R. 5811, introduced on April 15, 2008, by Reps. Waxman, Clay, and Hodes, modernizes the requirements of the Presidential Records Act and the Federal Records Act to ensure that these vital records are preserved for historians.

Preservation of Presidential Records

Committee investigations have revealed that during the Bush Administration, numerous White House officials--including Senior Advisor Karl Rove--used e-mail accounts maintained by the Republican National Committee, which regularly deleted the e-mails from its servers. E-mails sent by White House officials over these RNC accounts included e-mails concerning official government business, and potentially hundreds of thousands of these e-mails have been destroyed. In addition, the White House grossly mismanaged its own e-mail records and ignored concerns raised by the National Archives about the way it was storing its e-mails. The White House used an e-mail archiving system that a former White House information technology officer described as 'primitive.' While the problems have been particularly acute under the Bush Administration, other administrations, including President Clinton's, have encountered problems preserving e-mail records.

To ensure the retention of these important records, H.R. 5811 directs the archivist to establish standards for the capture, management, and preservation of White House e-mails and other electronic messages and to certify that the system meets the requirements established by the archivist.

Electronic Preservation of Federal Records

Under current law, federal agencies have broad discretion to determine how electronic records and electronic communications are preserved. Committee investigations and the Government Accountability Office have found that many agencies rely on unreliable "print and file" systems for preserving electronic records, including e-mails. As a result, many e-mails that should be saved as federal records may be lost.

H.R. 5811 directs the Archivist to issue regulations requiring agencies to preserve electronic messages that are records in an electronic format. These regulations must cover, at a minimum, the capture, management, preservation, and electronic retrieval of these electronic records, and must be implemented within four years of the enactment of the Act.

House Report 110-790:
[HTML Version](#), [PDF Version](#)

Full Committee on Oversight and Government Reform Mark-up:

[Markup of H.R. 5811](#): Electronic Communications Preservation Act, May 1, 2008

- [National Journal Report](#): Federal E-mail Preservation Clears House Government Reform

Summary of Committee Votes:

- [Chairman Waxman, D-Calif. Electronic Communications/Substitute Amendment](#) — Directs the archivist to establish standards for the capture, maintenance and preservation of e-mail records and to certify that the White House meets those standards. The amendment also directs the archivist to mandate that federal agencies manage and preserve e-mail records electronically within four years of the bill's enactment. The amendment clarifies: the bill's intent to preserve "electronic messages" rather than "electronic communications;" and the bill's reference to "electronic records management systems" rather than "applications." **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by **Voice Vote.**

CRS Reports:
(TBA)

GAO Report:
[GAO-08-699T](#): Federal Records: Agencies Face Challenges in Managing E-Mail, April 23, 2008

CBO Report:
[Cost Estimate](#): Ordered Reported by the Committee on Oversight and Government Reform

Committee on Oversight and Government Reform Hearing:

[H.R. 5811, the "Electronic Communications Preservation Act">>](#)

April 23, 2008 — Subcommittee on Information Policy, the Census, and the National Archives

- [Video of the Hearing](#), [04/23/08 Witness List](#)

Witness Testimony:

- [Linda Koontz](#), Director, Information Management Issues, U.S. Government Accountability Office;
- [Gary M. Stern](#), General Counsel, National Archives and Records Administration;
- [Paul M. Wester](#), Director, Modern Records program, National Archives and Records Administration; and
- [Patrice McDermott](#), Director, OpenTheGovernment.org
- [Dr. Anna Nelson](#) (for the record only), Distinguished Historian in Residence at American University representing the National Coalition for History.

Organization Statements:
(TBA)

Administration Position:
(TBA)

Fact Sheets & Talking Points:

[H.R. 5811 Web Page](#) — Committee on Oversight and Government Reform

[HR 5811 Summary](#) — Committee on Oversight and Government Reform

Press Releases, News Articles & Related Information:

[Legislation Introduced to Improve Federal Electronic Recordkeeping](#), April 16, 2008

Other Resources:

[Cosponsors of H.R. 5811](#)

H.R. 1286 - WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL DESIGNATION ACT *(Rep. Hinchey – Natural Resources) (Subject to a Rule)*

Bill Text: [HTML Version](#), [PDF Version](#)
[Bill Summary and Status](#)

Rules Committee Meeting: Tuesday, July 8, 2008, at 5:00pm in H-313 the Capitol,
[Special Announcement](#), [Amendment Deadline: 10am Tuesday 7/8](#), [Text of Bill as Ordered Reported](#)

Committee: [Committee on Natural Resources](#)

Committee Staff Contact: 5-6065

LEGISLATION AT A GLANCE:

**SUMMARY OF H.R. 1286:
WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE
NATIONAL HISTORIC TRAIL DESIGNATION ACT**

H.R. 1286 would designate an approximately 600-mile national historic trail tracing the routes taken by Continental and French troops marching from New England to face the British Army at Yorktown, Virginia.

A study by the National Park Service, authorized by the 106th Congress (Public Law 106-473), examined the corridor along that historic march and concluded that the trail is suitable and feasible for designation as a national historic trail under the National Trails System Act.

The preferred alternative, which the bill implements, outlines a route that mostly follows existing public roads; some segments are on public lands (especially lands owned by local jurisdictions) or near publicly regulated navigable waters. While the historic route does cross some private lands, the NPS study states "No federal acquisition of lands or interests in lands is proposed or anticipated. Management of the trail would depend on cooperative partnerships"

House Report 110-:

[HTML Version](#), [PDF Version](#)

Full Committee on Natural Resources Mark-up:

[Full Committee Markup of H.R. 1286](#): To amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail. "Washington-Rochambeau Revolutionary Route National Historic Trail Designation Act", June 25, 2008

Summary of Committee Votes:

- [Subcommittee Chairman Grijalva, D-Ariz. Updated Map Amendment](#) — Updated the map reference used in the legislation. **Adopted by Voice Vote.**
- [Rep. Wittman, R-Va. Energy Transmission Lines Amendment](#) — Clarified that the trail designation would have no impact on energy production or transmission. **Adopted by Voice Vote.**
- **Vote to Report:** Favorably Reported to the Full House, as Amended, by Voice Vote.

CRS Reports:

(TBA)

GAO Reports:

(TBA)

CBO Report:

[Cost Estimate](#): Ordered Reported by the Committee on Natural Resources

Subcommittee on National Parks, Forests and Public Lands Hearing:

[Legislative Hearing on 11 Bills>>](#)

October 30, 2007 Hearing — Committee on Natural Resources, Subcommittee on National Parks, Forests and Public Lands

Witness Testimony:

- [Karen Taylor-Goodrich](#) (*All bills except H.R. 3473*), Associate Director, Visitor and Resources Protection, National Park Service
- [Col. James M. Johnson, Ph.D.](#) (*H.R. 1286*), U.S. Army, Retired, Military Historian of the Hudson River Valley
- [Carol W. LaGrasse](#) (*H.R. 1286*), President, Property Rights Foundation of America, Inc.

Organization Statements:

(TBA)

Administration Position:

(TBA)

Fact Sheets & Talking Points:

(TBA)

Press Releases, News Articles & Related Information:

[House Panel Approves Hinchey Bill To Create Washington-Rochambeau National Historic Trail](#), Office of Congressman Hinchey Press Release, June 25, 2008

Other Resources:

[Cosponsors of H.R. 1286](#)